

## REMARKS

In response to the above-identified Final Office Action ("Action"), Applicants submit the following remarks and seek reconsideration thereof. Claims 1-26 are pending in the present application. Claims 1-26 are rejected. In this response, claims 1, 15, and 23-26 are amended, no claims are cancelled and no claims are added.

### I. Claim Rejections under 35 U.S.C. § 103

Claims 1-5, 11-14, 23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication NO. 2002/0009137 by Nelson et al. ("Nelson") and in view of US Patent No 5,416,510 issued to Lipton et al. ("Lipton") and in further view of US Patent No. 6,574,423 issued to Oshima et al. ("Oshima"). Claims 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson and in view of Lipton and Oshima and further in view of US Patent No. 6,614,936 issued to Wu et al. ("Wu"). Claims 15, 19, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Wu. Claims 16-18, 20-21, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Oshima and further in view of Lipton.

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g. MPEP § 2143 (providing a number of rationales which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham).

In regard to the rejection of claim 1 under 35 U.S.C. § 103, this claim has been amended to recite:

"an encoding means for generating four streams for right and left-eye images by encoding the fields separated in the field separating means by performing motion and disparity compensation, the four streams corresponding to a video to be output on a display of a user;

a multiplexing means for multiplexing encoded streams for only essential fields among the four encoded streams received from the encoding means, based on the user

display information, such that only the essential fields necessary to display the video on the display of the user are multiplexed for transmittal to the display of the user"

(emphasis added). These amendments are intended to more particularly explain the essential fields element of claim 1. Further, these amendments are supported, for example, by page 19, line 17 through page 20, line 27 of the Specification as filed.

The Examiner relies on Nelson to disclose the cited elements of claim 1. See Final Office Action, Page 12. Specifically, the Examiner cites paragraph [0044] of Nelson as allegedly disclosing "a multiplexing means for multiplexing encoded streams for only essential fields among the four encoded streams received from the encoding means, based on the user display information." See Id. These sections of Nelson disclose multiplexing both a two-dimensional video stream and a three-dimensional video stream into a single video stream. See Nelson, Paragraph [0044]. Thus, the resulting video stream includes video data which can be displayed on both displays which support three-dimensional images and displays that only support two-dimensional images. See Id. Therefore, the resulting video stream contains both essential fields and unessential fields, because either two-dimensional imagery data is being sent along with three-dimensional imagery data to a display that only requires two-dimensional imagery data OR three-dimensional imagery data is being sent along with two-dimensional imagery data to a display that only requires three-dimensional imagery data.

By multiplexing only essential imagery fields in the video stream, the stereoscopic video encoding apparatus of amended claim 1 efficiently transmits data such that unnecessary data is not utilizing bandwidth. As described above, in contrast to the Examiner's assertion, Nelson fails to disclose these elements of amended claim 1. Further, the Examiner has not cited and the Applicants have been unable to locate any sections of Lipton or Oshima which cure the deficiencies of Nelson. Thus, the combination of Nelson, Lipton and Oshima fails to teach or suggest each element of amended claim 1. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of this claim.

In regard to claims 15 and 23-26, these claims have been amended to include elements analogous to those of amended claim 1. These amendments are supported, for example, by page 19, line 17 through page 20, line 27 of the Specification as filed. For at least the reasons discussed above in relation to amended claim 1, the combination of Nelson, Lipton and Oshima fails to disclose these elements of amended claims 15 and 23-26. Further, the Examiner has not

cited and the Applicants have been unable to locate any sections of Wu which cure the deficiencies of Nelson, Lipton and Oshima. Therefore, amended claims 15 and 23-26 are not obvious in view of the combination of Nelson, Lipton, Oshima and Wu. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

In regard to claims 2-14 and 16-22, these claims depend from independent claims 1 and 15, respectively, and incorporate the limitations thereof. The Examiner's argument assumes that the combination of Nelson, Lipton, Oshima and Wu discloses all elements of claims 1 and 15 which are incorporated in dependent claims 2-14 and 16-22. However, as discussed above, the combination of Nelson, Lipton, Oshima and Wu does not disclose all the limitations of claims 1 and 15. Therefore, claims 2-14 and 16-22 are not obvious in view of the cited prior art. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

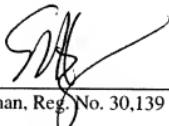
## CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

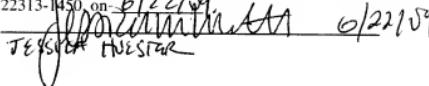
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/21/09

  
Eric S. Hyman, Reg. No. 30,139

## CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on 6/21/09

  
Jeffrey Huestar 6/21/09

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800